



ORDINANCE REVIEW COMMITTEE

Members

Councilor John Thorpe, Chair
Megan Paik, Citizen, Vice-Chair
Councilor Marianne LaBarge
Councilor Jim Nash
Jeff Napolitano, Citizen

MEETING MINUTES

Date: November 30, 2020, Time: 5:30 p.m.

Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 5:30 p.m., Councilor Thorpe opened the meeting. On a roll call, the following members were present: Councilor Marianne LaBarge, Councilor John Thorpe, Councilor James Nash, Megan Paik and Jeff Napolitano. (Member Napolitano was not present on roll call but appeared shortly thereafter.) Also present were City Solicitor Alan Seewald, Parking Enforcement Administrator Nanci Forrestall and Administrative Assistant Laura Krutzler.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**
Councilor Thorpe announced that the meeting was being audio-video recorded.
3. **PUBLIC COMMENT**
After explaining the procedure he would use to recognize participants, Councilor Thorpe opened the floor to public comment.

Razi Beresin-Scher of Northampton spoke in support of some points highlighted by Tay Porco at the last meeting. During this ordinance review, she thinks it is vitally important that the city council review several ordinances and also consider creating new ones that affect their unhoused neighbors currently facing unlivable conditions due to a combination of the pandemic, the Massachusetts winter and the bureaucracy set up to make it difficult for them to obtain housing, health care and basic resources. In terms of ordinances that need review, she suggested the council review all ordinances surrounding camping and repeal the ban on temporary structures because often people don't have a place to stay and need a roof over their heads.

Additionally, Northampton currently bans panhandling without a permit and that is the only way some people can make an income and otherwise afford basic necessities such as food and rent.

Additionally, Massachusetts currently *does* have a 'ban the box' law for job applications but it has not taken many steps to enforce it. Per the demands of unhoused organizers, she thinks there should be a similar law pertaining to housing applications.

Finally, she suggested that the council consider passing an ordinance that bans the selling of public lands to private developers and one that dis-incentivizes landlords maintaining vacant private properties because those properties could be turned into housing. It isn't fair that hundreds of people are living on the streets while those properties sit vacant.

Bo Clark of Hadley, born and raised in Northampton, echoed the sentiments of Razi and Tay. He knows a lot of ordinances they're talking about have been brought to their attention. He thinks they have a really amazing opportunity in terms of reviewing ordinances and figuring out which ones don't work anymore and also creating new ones. He is really grateful that this is happening now during a pandemic because he feels this has brought a lot of these conditions to the light. Definitely, the camping ordinances all should be repealed. He encouraged them to be creative in writing new ordinances even if they don't think they are within their purview. Even with fees, they could create sliding fee scales. He knows there isn't one singular camping ordinance but folks are trespassed whenever [city officials] want to clear out unhoused people who are erecting tents. The panhandling and soliciting ordinances - many of them in Chapter 245 could just be repealed - especially the ones that say a permit can be revoked if the permit holder has any felony or crime involving moral turpitude. He thinks Northampton should take steps to enforce the 'ban the box' law.

He supports a fair chance ordinance, specifically, one that limits private landlords' ability to consider criminal records in screening housing applicants, which just creates another barrier to housing. He also supports passing a ban on the sale of public lands to private developers when they are donated to the city so they don't end up with more and more land that could be used for affordable housing being sold to private developers; also dis-incentivizing keeping private properties vacant. He thinks there's a lot of opportunity to create new ordinances and be creative thinkers around what they can do. Northampton is a sanctuary city. He thinks there are ordinances they could come up with to make sure things written into their charter don't [negatively] affect unhoused folks.

Tay Porco of Hadley, they/them pronouns, said she is backing all of the things she has brought during the weeks the committee has been meeting and in emails. If there is one thing she could highlight, it would be, at bare minimum, creating an ordinance that bans the selling of public land to private developers. A lot of the rest of the ordinances proposed are great but they really will not matter if Northampton does not stop selling private lands that are gifted or received to developers. If they are able to get private property vacancy registration she is wary of the city doing that and using it to its advantage by just selling the properties to private developers. She thinks that demand needs to be met, although cities often don't want to give that one up because of profit. Also, they don't have access to public water in Northampton right now. They need to have these basic things and they need to have the option of getting people housed if that is what they want. The other thing they need to do is take out the many different ways Northampton criminalizes people for just surviving in public. Maybe they need a whole new ordinance that allows unhoused people to survive so people will not be allowed to be arrested for trespassing.

Jose Adastra of Northampton echoed everything everyone before him said. He said he would like to frame this from someone who used to live somewhere else and then came to America, as someone who was colonized. The government in the past year selling public land to private companies is a form of white supremacy, he insisted. That is what the government has been doing to native people and people of color.

He feels really adamantly that, as a bare minimum, this ordinance is a very simple thing with very little barriers. "Stop selling public land," he urged. If they stop, they have a chance to take the money and funnel it into black and indigenous land stewardship.

He would also like to see the ordinance changed so they can put people in little structures, an alternative form of housing people with a high success rate. He offered to send the administrative assistant a copy of an article. In Seattle, they have heat and four walls and a lock on the door and it allows people to have privacy. "That is not happening here if we keep selling private land to say, a Starbucks, or keep selling grammar schools to private companies as we have been for the last couple of years," he pointed out. It's one of the most white supremacist things you can do, especially when there are people are on the street, he contended. He urged members to edit the ordinances so people trying to help stop being arrested and patrolled every day. This is part of why they are so unstable emotionally; because they're treated like animals. The sooner we can edit it, the sooner it will be easier for us to do what the government should have been doing to begin with.

Sid Ahrens of Northampton agreed with the comments made. He doesn't think being houseless should be a crime and he thinks that's how it's being treated in Northampton.

Larkin Christie of Whately echoed what others are saying. She thinks it is really important in the City of Northampton where they have said they are a sanctuary city and are purporting to push a leftist agenda but are not really taking care of unhoused members. She encouraged committee members to look at the demands drawn up by the unhoused community.

There being no further comments, Councilor Thorpe closed public comment.

4. APPROVAL OF MINUTES OF NOVEMBER 17, 2020

Mr. Napolitano moved to approve the minutes of November 17, 2020. Councilor LaBarge seconded.

Ms. Paik said she had some additions, which she reviewed in detail. Mrs. Krutzler asked if she could please email her the changes to be incorporated into the master version of the minutes.

Members decided to defer approval of the minutes until the next meeting, at which time an updated version will be available. Mrs. Krutzler said she would put approval of the November 17, 2020 minutes on the next agenda.

5. DISCUSSION OF PARKING FINES WITH PARKING ADMINISTRATOR Nanci FORESTALL

Parking Enforcement Administrator Nanci ForreSTALL gave an overview of the parking ticket collection procedure. Northampton has adopted MGL 90, §Section 20A ½ and that's what they follow in setting fees, she advised. If a person gets a ticket for violation of a city ordinance, they have 21 days to pay or appeal that ticket. If they want to appeal, they have various options – they can go on line, send something in, or, when city offices were open to the public, come into the office and fill out a form. That immediately puts the ticket on hold for 30 days to allow the hearing officer to review the ticket. Parking office employees have to reply to that individual within 21 days in writing. If the appeal is denied and the ticket stands, the person is given a new due date and the tickets stays on hold so the ticket holder is still at the original fine amount. That person at that point can request an administrative hearing before her. The ticket is again put on hold until that hearing is held. She holds hearings every Wednesday. She makes a determination based on what

she sees and what she reviews and makes a decision whether the ticket stands or is dismissed. That is the final step at the city level. The resident still has the right to request a judicial review. The ticket holder would have to contact Superior Court for information on how to request a judicial review. If they request a judicial review, the ticket is put on hold until a decision is rendered.

Councilor Thorpe asked if there is a fee for filing a judicial review, and Ms. Forrestall said yes. It was \$300 at the last inquiry.

That issue has been taken to the Supreme Judicial Court and the Supreme Judicial Court has rejected it so there's not a thing they can do about it, Attorney Seewald interjected.

Councilor LaBarge thanked Ms. Forrestall and her department for their help with a problem brought to the Disability Commission. Delivery trucks were blocking sidewalks near the variety store next to the Hotel Northampton on King Street so that anybody in a wheelchair could not use the sidewalk. Apparently, the manager of the store was told that it was a violation and said he really didn't care. She knew the parking department and police department helped resolve the problem and she wanted to thank her for that.

It's something enforcement officers keep their eye on, Ms. Forrestall confirmed. In this case, the delivery truck was parking right on the sidewalk but, sometimes, even when the truck is not parked on the sidewalk, when the ramp comes out it blocks the sidewalk.

If the person just wants to pay the ticket, they have 21 days to pay and a lot of different ways to pay – depositing the payment in the drop box checked twice a day, paying on line going through the payment processing center, etc., Ms. Forrestall continued. If they don't do anything – no payment, no appeal - after 21 days, a \$10 late fee is added in accordance with Mass. General Law. At that point, a late notice is sent out, automatically generated by the payment processing center. That notice goes to the registered owner of the vehicle because the registered owner is ultimately responsible for the violation even if it was the granddaughter who was using her grandmother's car and she didn't tell her grandmother anything about it. The late notice warns the individual that registry action could be taken if they don't pay the violation and that the fine amount will increase if no action is taken. The Registry of Motor Vehicles (RMV) at that point will place a \$20 registry surcharge on top of what's already owed and the vehicle registration could be marked for nonrenewal.

They don't just send out one notice. At the beginning of each month, another notice will go out, each one warning the individual that the fee for the ticket is ultimately going up. It causes all sorts of problems when someone goes to renew their registration and finds out they can't because of outstanding obligations. She said she would be happy to answer questions.

DISCUSSION.

Members asked questions and offered comments. Councilor Nash expressed his understanding that one of the situations where fines really build up is if a current address is not on file. If somebody's vehicle address is on Smith Street, notices still go to Smith Street even if the owner has moved.

Ms. Forrestall noted that the vendor does constant checks with the RMV to see if there have been any updates to owner addresses.

By law, they send notices to the last known address on file. However, they try through the processing center to constantly update addresses and reach out to the registry to see if that person has updated. "We try to help the person to help themselves," she related. If that person never changes their address, they have no other option than to continue to send bills to the last known address at the RMV.

The real obstacle isn't the \$15 parking ticket or the \$25 violation, what they're concerned about is how things snowball into something bigger – having a car impounded or not being able to register the vehicle, Councilor Nash explained. He asked if she could speak to how somebody could avoid all of that.

By paying to park, paying their ticket before it gets to this situation or appealing the ticket to get it to be put on hold through the appeal process, Ms. Forrestall responded. Even outside of the appeal process, she urges residents to contact her if they have a question so she can give them information, offer the appeal process, etc. Parking is bound by MGL and city ordinance but things happen in people's lives. If they want to come in and talk to her, she's not saying she can make the ticket go away, but just avoiding it and not reaching out and not doing anything about the ticket – that is when it starts to snowball.

It used to be that there was just one notice sent. She didn't like that because one notice can be missed. Some people will get up to four or five notices by the time it gets to the registry. According to Mass. General Law, if a person has five or more unpaid parking tickets, they are eligible to have their vehicle immobilized. They could tow it immediately, but she feels that by immobilizing the vehicle, hopefully the person will come back to the vehicle, see that it is immobilized and contact the parking office to avoid having the vehicle towed. Because that turns into a very expensive situation with storage fees and towing fees.

Ms. Paik pointed out that there is a possibility the person could be unaware if the person who received the ticket is not the vehicle owner. She asked how often the example cited by Ms. Forrestall (a grandchild collecting a ticket while driving a grandparent's car) happens.

Ms. Forrestall said she doesn't recall that happening.

Councilor LaBarge asked if she had had any residents come to her due to COVID-19 to tell her that they had lost their job. She thought she heard her say they make payment arrangements with people.

When the COVID situation happened, she put all tickets on hold so they wouldn't accumulate late fees, Ms. Forrestall advised. That's kept tickets at the original amount. She has had some people say they couldn't afford the ticket because they lost their job and what she did was put the ticket on hold for an extended period of time. "Because of this extraordinary situation, I put the tickets on hold so they wouldn't go up."

Councilor LaBarge thanked Ms. Forrestall, noting the mayor also put tax payments on hold. "I'm happy to hear that you have done that."

Mr. Napolitano asked if she had a sense of the number of people per year whose cars are immobilized and what their general economic situation is.

She would say an average of five to eight cars a month were immobilized before COVID. They could go for an extended period of time and have none and then there could be three or four in a week. She has no idea what people's financial situation is. Some people have opted to use their payment plan. She will usually require an upfront payment, somewhere around a third.

It's an unfortunate reality that most of the fees and fines attached to ordinances are regressive, Ms. Paik observed. They're not tied to ability to pay. The other side is enforcement or the lack thereof, or whether ordinances are selectively or inconsistently or excessively enforced.

Ms. Forrestall said she is happy to pull any statistics. She cautioned that COVID numbers are very different because unfortunately people are not in the city. The number of vehicles in the city has been reduced so drastically that the numbers are very different from what they are in a normal year.

Councilor LaBarge confirmed the mayor has reported the amount of money the city has lost in parking fines.

Councilor Nash mentioned repeat offenders who park illegally, accumulate tickets, get the boot and go over and pay because they are not concerned about the cost. Ordinance Review Committee members are more concerned with people that can't be as cavalier. Are there cases where people could get just one or two tickets and have their car immobilized? He asked.

No, Ms. Forrestall assured. By law, they must have received five or more tickets and notices thereof. Her policy is also to give people 30 days to respond to each notice.

Councilor Nash expressed his understanding that a person is going to receive four to five notices telling them to pay up along with a warning that their car will be immobilized. He asked how much each ticket would cost by the time it gets to the registry.

The \$25 ticket (\$15 parking fine plus \$10 late fee) is eligible to go to the RMV 60 days after the due date, Ms. Forrestall explained. Prior to going to the registry, an additional \$10 late fee is added. Once the registry is notified, it adds a \$20 surcharge.

Councilor Nash said he is most concerned about someone dependent on their vehicle parking on Phillips Place or Graves Avenue and having their vehicle immobilized.

Ms. Forrestall confirmed people receive notices before their vehicles are immobilized.

Councilor Nash said his last question is how much control they have over this. Are they required by MGL to report to the registry if a ticket hasn't been paid? He asked.

M.G.L. Chapter 90, §20A ½ says the registry will be notified of nonpayment, Ms. Forrestall confirmed.

Councilor Nash noted that the city accepted an MGL to be part of that process. He wondered if they could pull out of that section once accepted and just keep tickets in house.

The section also covers the appointment of the parking department, the administration of that department, the authority to issue tickets for violations, what information has to be on the tickets, etc., Ms. Forrestall remonstrated. A lot of authority and information is contained in that section. If the city were to pull out, it basically would be pulling out of parking [enforcement].

His question to Attorney Seewald would be whether the city could pull out of that one section requiring tickets to be reported to the registry, Councilor Nash said. Right now, it's a conveyor belt of them increasingly involving the commonwealth.

Generally speaking, a local acceptance statute cannot be unaccepted unless the statute itself has a special procedure for unaccepting it; it would need a special act of the legislature, Attorney Seewald asserted. If the statute is accepted, the city can't accept everything except reporting to the state. It's all or none.

Mr. Napolitano asked if it is a 'shall' report to the state or a 'may.' He read a section of the statute stating that if someone fails to appear in accordance with five or more notices, the parking clerk 'may' notify police.

Attorney Seewald read from the statute as follows: "if any person fails to appear in accordance with said notice, the parking clerk shall notify the registry of motor vehicles..." "That's a 'shall,'" he confirmed.

Mr. Napolitano noted that if you go down further, the issue of whether to immobilize or store the car is a 'may.'

Councilor Nash said it sounds like they have some latitude around immobilizing the car but not reporting to the registry.

Attorney Seewald cautioned members that they are straying deep into the executive function. The manner of carrying out these laws is entrusted to the mayor, he warned.

Councilor Nash said he is just thinking this all out aloud so they are giving this a fair airing right now.

Mr. Napolitano asked if it is not controlled by ordinance.

Much of what they're talking about is controlled by statute, Attorney Seewald clarified. The fine is set by ordinance, essentially everything else is carried out by the mayor, he opined. His position would be that it would fall to the executive to determine how best to carry out the ordinance which sets the fine and the statute which was accepted, just like they couldn't tell the mayor how many parking enforcement officers to hire.

Mr. Napolitano pointed out that the council could pass an ordinance that says people's cars are not going to be immobilized.

Attorney Seewald said he disagreed.

Mr. Napolitano asked if there isn't an ordinance that spells out how parking is administered.

Attorney Seewald said this is done through the administrative code, which emanates from the mayor.

ABANDONED VEHICLES

Councilor Nash asked Ms. Forrestall to speak to abandoned vehicles. He asked if she would immobilize an abandoned vehicle or just have it towed. It's one of the situations that really gets to the heart of marginalized folks or people who are struggling. When someone's car doesn't start, that's a situation where a car is put into storage and people end up paying huge fees for a vehicle that no longer runs.

Parking does not issue abandoned vehicle notices, that's handled through the police department, Ms. Forrestall clarified.

Vehicles that wind up in her office do so because the police department has issued an abandoned vehicle notice for a vehicle that has been left in a tow yard, and the tow company has not received a response to registered notices sent to the last known address of the registered owner. Once tow companies have a vehicle on their lot, they contact the police department, the police department issues an abandoned vehicle notice if appropriate and turns the file over to her. At that point, she issues a notice to the person that an abandoned vehicle hearing has been set. At that point, the fine has already been placed on it and it is simply an abandoned vehicle hearing at her office. The fine is \$150.

Councilor Nash asked about storage fees.

Ms. Forrestall said she's not involved in that. The police department has contracts with various tow companies that have to abide by the terms of those contracts. The reason Northampton becomes involved is because the vehicle is abandoned in the City of Northampton. It doesn't necessarily mean it came from Northampton. It could have been towed from I-91 or left abandoned at a repair shop or in a parking lot, but it is in a Northampton tow yard and that is why she is involved.

Councilor Nash said he thinks they need more study and discussion around how exactly they can do some intervention here. It's the way it's merged with Mass. general law that impels them to do a lot of things. He would be willing to look into this more to see if there are ways to figure out where they may have some choice, whether that discretion resides with the council or with the mayor. He would be willing to look into this more and report back to folks.

Mr. Napolitano said he is curious about the delineation of what they can and can't address. Much of what they're talking about is under Part 2 of the code of ordinances - General Legislation. He asked if this is not part of the ordinance.

After the charter was passed, the mayor told him he was not going to make an issue of where parking meters go and whether city council could delineate that, Attorney Seewald volunteered. Generally, the city council has control of the use of the ways, streets and sidewalks. There are a lot of ordinances about how they can be used. Once they pass the ordinance on ways they can be used, it is up to the mayor to enforce that. All of that is executive function. The policies for how the public way is used are within the jurisdiction of the city council.

The ordinance includes things like penalties, Mr. Napolitano noted. He understands that once there is a policy it is up to the discretion of the executive to implement that policy. But given that the ordinance describes the penalties, doesn't that fall under their review?

There is another statute that deals with fines and penalties and how they're set, whether by department or by ordinance, Attorney Seewald elaborated. Parking fines are set by ordinance, but the specifics of how that is enforced are the mayor's. Some of the ordinances predate the charter. He cited an ordinance about the police chief having the authority to tow as an example.

She is still trying to figure out what is within the purview of this committee, Ms. Paik said. She asked if it would still be appropriate to include it as one of the recommendations in their report.

They are reviewing ordinances, so it is a question of whether it is an ordinance they are recommending, Attorney Seewald said.

Ms. Paik said she thought their mandate was broader.

But it relates to ordinances, not administrative orders or any other body of law, Attorney Seewald said. Councilors can tell them that the jurisdiction of the council outside of money is rather limited, he observed.

Mr. Napolitano said he was under the impression that everything in the 'code of ordinances' is part of their discussion,

Attorney Seewald clarified that the code online is comprised of the charter, the administrative code and the code of ordinances. In response to a question from Councilor Nash, he confirmed that Part 1 and Part 2 of the 'code of ordinances' are all ordinances subject to their review.

Mr. Napolitano noted that the code related to parking is very extensive and seems pretty granular. He is not suggesting that they delve into it; he's just saying that it's there.

Some of it has been there since before the charter and frankly is inconsistent with it, Attorney Seewald said

The city council has control over the ways, but how the police chief closes the way - whether she puts up barrels or puts up signs - is completely up to the executive branch, just like how parking is enforced. "We don't have to use a boot, but if the executive determines that's the best way... it's up to the mayor."

Mr. Napolitano agreed but said there could be an ordinance that says they could never use a boot.

The charter says the executive shall never exercise a legislative function and the legislative shall never exercise an executive function, Attorney Seewald intoned. He repeated his contention that how to enforce parking is up to the mayor. The city council's jurisdiction in most instances is statutory.

Similarly, the city council designates 'no parking' areas but how to enforce them is up to the mayor. One of the first times this came to a head is when the city council wanted to designate the location of handicapped parking at the senior center. His position was that the city council designates the number of handicapped spaces but the mayor figures out where they're going to go.

Councilor Nash said he would like to move on from parking ordinances. He is willing to explore more with Attorney Seewald whether the city council can ban the use of boots similar to the way it banned the use of surveillance cameras downtown, he said.

Councilor Thorpe stated his intention to move on.♥ Councilors thanked Ms. Forrestall for her extensive presentation.

6. SUGGESTED ORDINANCE CHANGES (NOT YET REFERRED TO CITY SOLICITOR)

Ordinance Changes Presented by Taylor Porco.

Councilor Thorpe noted that this would fall under bucket #2.

Councilor Nash said he very much appreciates the information Tay sent. He did some research on camping ordinances and couldn't find anything banning camping on public property within the city. If someone wants to set up a tent on private property and has the permission of the property owner, they can do that. He wouldn't support people camping out in Pulaski Park, but he would support exploring a way for people to camp safely somewhere within the city. Now people are camping in the woods, along the bike path, etc., and don't have access to sanitary facilities, access to water, easy access to places to throw away trash, etc. He would be willing to have a discussion to figure out a way to provide that accommodation, but, in terms of camping, he didn't see a ban on that in city ordinance.

He would like to hear from Tay about vacant properties, specifically, which properties she is referring to. They do have a lot of vacant properties in the downtown area but he is not aware of a lot of vacant residential properties. He asked if it would be okay to recognize Tay for clarification.

Councilor Thorpe recognized Tay.

Northampton doesn't have one single ordinance outlining how people are being criminalized for sleeping outside or being outside in public spaces, Tay acknowledged. Some of this was found in the zoning section. She has some of the sections and chapters written down and will send them to the group later. Some of it has to do with parks and recreation areas.

Northampton can cite anybody on private property with trespassing, Tay continued. On public property, during certain times of the year and times of day people aren't allowed to exist in public spaces. There are different codes having to do with where people are allowed to be and none of them allow people to sleep in public spaces. That should have been worded differently; instead of 'camping' ordinances it should have referred to temporary structures. She is basically referring to ordinances giving city officials authority to push people out of encampments in the woods and under bridges, which Northampton has a history of doing. Her material includes articles on past encampment sweeps, she said.

Northampton only has three or four vacant public properties but there are plenty of private properties that have been vacant for years and years, she asserted. Northampton has been gifted and received public property pretty frequently in the last five to ten years and almost immediately sells it to private developers. So when Northampton says it doesn't have property available for affordable housing, they know this isn't true. She thinks the most imperative thing to happen is a ban on property gifted to the city being sold to private developers instead of being used for housing.

She mentioned vacant property registration and eminent domain as ways to discourage private property owners from letting private properties stay vacant. If that is to happen, they need to make sure any vacant property given to the city is used for affordable housing first and foremost.

Members asked Tay to send the information to citycouncil@northamptonma.gov

Mr. Napolitano asked if there are examples of other cities they can draw from that have successfully or at least tried to address this issue.

Tay said 'yes.'

There was a temporary encampment off Texas Road by the river, Ms. Paik shared. The city was prompted by the owners of the private property it was located on to respond. The mayor was very reluctant to take down an encampment when the city cannot provide alternate safe and sanitary housing. It is more a matter of enforcement than anything else. The Human Rights Commission is trying to foster a culture of tolerance since they are expecting a lot more evictions and unhoused people during this very, very critical time and the reality is there will not be any other places for them to go, Ms. Paik suggested. She thinks they need to talk about other sources of assistance such as offering water stations and, if not a warming station, equipment and supplies that would make it safer and easier for people who do have to continue living outdoors.

Regarding the 'ban the box' law, right now, a lot of those complaints are sent to the Massachusetts Commission Against Discrimination (MCAD) because Northampton doesn't have a local office to administer the complaints, Ms. Paik said. They don't have anything in the city to handle complaints related to human rights such as employment practices.

Members agreed to refer the requested changes to bucket #2. Councilor LaBarge so moved. Councilor Nash seconded. The motion passed unanimously 5:0 by roll call vote.

7. REPORT ON ORDINANCE CHANGES ALREADY REFERRED

Presentation by City Solicitor Alan Seewald

He sent out a memo this afternoon, Attorney Seewald said. Most of what was submitted is appropriate. There were five categories of proposed ordinances: 1) Ordinance Clean-up, 2) Zimnoch Requested Changes, 3) Miscellaneous Changes Already Discussed, 4) Commercial Buffer Zone Proposal and 5) Allowing two families by right in every single-family home neighborhood.

The ordinance changes submitted by the Office of Planning and Sustainability (OPS) consist of 14 changes and he doesn't have a problem with any of them. They seem like appropriate housekeeping amendments. In §337-10C, which would be eliminated, they would need to renumber the following sections.

For Mr. Zimnoch's proposals, with regard to the question of whether required clearance is 12 feet vs. 15, if they want to deal with this, DPW Director Donna LaScaleia said 12 feet would be the appropriate number for enforcement in Ch. 40. However, she said this is a very problematic ordinance and one that needs much more detailed review. According to Director LaScaleia, after trees came down from the last storm, everyone parking on many side streets was in violation of this ordinance. They need to think more about this ordinance, and he's not suggesting that this committee do that. But, if they want to make it consistent, they should go to 12 feet but understand that it can't be enforced on any consistent basis.

He cited the area of Florence Road near Ryan Road as another place this regulation is consistently violated. There, people park right on Florence Road to go swimming in the river without leaving sufficient clearance. What do you do? This ordinance is really problematic, he concluded.

He left out Mr. Zimnoch's requested change to the administrative code (amending the Historical Commission's duties to include the responsibility of overseeing historic cemeteries), saying that's for the mayor to do. He will pass this on to the mayor, he offered. The change to correct the reference within the ordinance from M.G.L. Chapter 40, §8C to M.G.L. Chapter 40, §8D is correct since it is currently incorrect.

The miscellaneous changes already discussed are fine. He was a little confused by §116-1. He thinks §116-1 should state false intrusion alarms, not alarms.

Regarding Councilor Jarrett's proposed buffer zone, he thinks this would be a nightmare to enforce but it certainly is within the authority of the city to do.

As far as allowing two families in every zone, this ordinance is in his inbox now and will be before the council in December.

Ms. Paik said she would like to discuss §116-1 and the commercial buffer zone at the next meeting. Councilor Jarrett has indicated he will probably attend.

With regard to the commercial buffer zone, it is certainly within the city's authority to enact but he sees some logistical issues with it, Attorney Seewald elaborated. He talked to Wayne Feiden this morning, and most of the complaints are about garbage pickup and dumpsters getting dumped into trucks.

Members agreed to discuss this proposal further at the next meeting.

8. PROPOSALS FOR EXPANDED NOTIFICATION OF ZONING MAP CHANGES AND SPECIAL PERMITS

Councilor Nash said he is willing to table this until next time. Members only got the draft proposal a couple of hours ago.

Attorney Seewald asked if the committee would like him to review this for the next meeting and members said yes.

9. ADJOURN

Councilor LaBarge moved to adjourn. Ms. Paik seconded. The motion passed unanimously 5:0. The meeting was adjourned at 7:37 p.m.